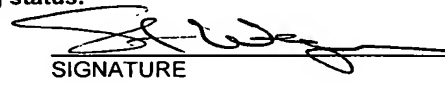


Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER P28678	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/553,909	
INTERNATIONAL APPLICATION NO. PCT/JP2004/005758		INTERNATIONAL FILING DATE April 22, 2004		PRIORITY DATE CLAIMED April 24, 2003	
TITLE OF INVENTION OPTICAL CHARACTERISTIC MEASURING INSTRUMENT AND METHOD, PROGRAM, AND RECORD MEDIUM ON WHICH THE PROGRAM IS RECORDED					
APPLICANT(S) FOR DO/EO/US Kenzi NISHIKAWA					
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.</p> <ol style="list-style-type: none"><li>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (23) indicated below.</li><li>4. <input type="checkbox"/> The US has been elected (PCT Article 31).</li><li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154 (d) (4).</li></ol></li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 u.s.c. .371(c)(4)). "Executed".</li><li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> <p><b>Items 11 to 22 below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"><li>11. Assignee: <u>ADVANTEST CORPORATION of Tokyo, Japan</u></li><li>12. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>13. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>14. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li><li>15. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. 1.76.</li><li>16. <input type="checkbox"/> A substitute specification.</li><li>17. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>18. <input type="checkbox"/> Figure of Drawing to be published: <u>1</u></li><li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</li><li>20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154 (d) (4).</li><li>21. <input type="checkbox"/> A second copy of the English language translation of the international of the international application under 35 U.S.C. 154 (d) (4).</li><li>22. <input checked="" type="checkbox"/> Other items or information: Cover Letter.</li></ol>					

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/553,909		PCT/JP2004/005758		P28678	
23 <input type="checkbox"/> The following fees are submitted: Basic national fee.....300.00				CALCULATIONS	PTO USE ONLY
				\$ 0.00	
24 <input type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4).....100.00 All other situations.....200.00				\$ 0.00	
25 <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a) (2)) has been paid on the international application to the USPTO as an International Searching Authority.....100.00 International Search Report prepared and provided to the Office.....400.00 All other situations.....500.00				\$ 0.00	
TOTAL 23, 24 and 25 =				\$ 0.00	
<input type="checkbox"/> Additional Fee for Specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100=	/50 =		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	11 - 20 =	0	x \$50.00	\$ 0.00	
Independent Claims	4 - 4 =	0	x \$200.00	\$ 0.00	
Multiple Dependent Claim(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)).				\$ 0.00	
Extension of Time fee in the amount of \$				\$ 0.00	
TOTAL NATIONAL FEE =				\$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$130.00	
				Amount to be refunded	\$
				Charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$130.00 to cover the above fees is included. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. c. <input checked="" type="checkbox"/> The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0089. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO CUSTOMER NO. 07055 AT THE PRESENT ADDRESS OF:					
Bruce H. Bernstein GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clark Place Reston, VA 20191 (703) 716-1191			Steven Wegman Reg. No. 31,438		
			SIGNATURE 		
			NAME Bruce H. Bernstein		
			REGISTRATION NUMBER 29,027		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenzi NISIKAWA **Mail Stop PCT**  
Appl. No. : 10/553,909 (National Stage of PCT/JP2004/005758)  
I. A. Filed : April 22, 2004  
For : OPTICAL CHARACTERISTIC MEASURING INSTRUMENT AND  
METHOD, PROGRAM, AND RECORD MEDIUM ON WHICH THE  
PROGRAM IS RECORDED

**COVER LETTER**

**Mail Stop PCT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop PCT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

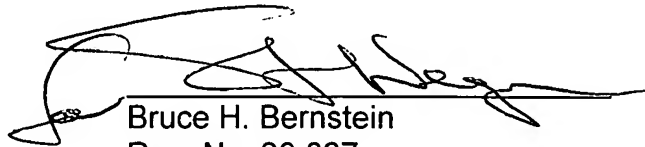
In order to comply with the requirements for the submission of an executed Declaration in the above-identified application, and prior to receipt of the Notification which should set a time limit for submission of materials, and further to the filing of the above-identified application and the filing fee on October 21, 2005, Applicant hereby submits:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
- an executed Declaration and Power of Attorney; and
- a check in the amount of \$130.00 to cover the surcharge for late filing of the Declaration.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,  
Kenzi NISIKAWA



Bruce H. Bernstein  
Reg. No. 29,027

Steven Wegman  
Reg. No. 31,438

March 21, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
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Reston, VA 20191  
(703) 716-1191